

Application Serial No. 10/630,487
Amendment dated May 9, 2005
Reply to Office Action of February 23, 2005

CS201451US

REMARKS/ARGUMENTS

Claims 1-12 remain pending in this application. In response to the office action, Claims 1, 2, 3, 4, and 11 have been amended. Claims 5, 6, 7, 8, 9, 10 and 12 remain unchanged.

Rejection of Claims 1-12 under 35 USC §102(b) as being anticipated by Fujisawa (US2002/0059176):

Applicants respectfully request reconsideration of the rejection of Claims 1-12 under 35 USC 102(b) as being anticipated by Fujisawa (US2002/0059176) as amended herein. Applicants respectfully submit that Fujisawa (US2002/0059176) does not anticipate the claimed invention. The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. Applicants submit that Fujisawa (US2002/0059176) does not contain all the essential elements of the present invention.

Fujisawa (US2002/0059176) describes "A data communication apparatus, method and program for data communication, and computer readable recording medium having the data communication program recorded therein" (see Title). The data communication apparatus of Fujisawa (US2002/0059176) "stores the request for obtaining or transmitting data which occurs in off-line operation, the data being stored as a schedule, and ...processes the requests at once in the next or subsequent operation." (See Abstract)

Applicants respectfully disagree with the examiner's interpretation of Fujisawa (US2002/0059176) as anticipating initiating more than one communication connection using more than one communication means with a single contact. Fujisawa (US2002/0059176) describes a single apparatus connecting to a single network. (See, for example, FIGs 3 and 4). There is no indication of any kind within Fujisawa (US2002/0059176) that a single device connects sequentially to a single contact using more than one communication means on more than one communication connection.

Application Serial No. 10/630,487
Amendment dated May 9, 2005
Reply to Office Action of February 23, 2005

CS20145US

To clarify Applicant's invention, Independent Claim 1 has been amended to clarify the method steps to comprise:

“initiating communication with a contact using a first communication means via a first communication connection; detecting that the first communication connection is not active; identifying a second communication means associated with the contact; and initiating communication with the contact via a second communication connection to the second communication means.”

Support for these amendments to Claim 1 can be found in FIG. 5 and the associated description. Applicants respectfully submit that Fujisawa (US2002/0059176) does not anticipate the method as recited in amended Claim 1 as previously described herein. Fujisawa (US2002/0059176) does not anticipate any of the recited claims of sequentially initiating communication with a single contact using more than one communication means on more than one communication connections. As Claim 1 recites patentable subject matter, Applicants respectfully submit that Claim 1 is in proper condition for allowance and request that Claim 1 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of Claims 2-10 under 35 USC §102(b) as being anticipated by Fujisawa (US2002/0059176). Applicants submit that Claims 2-10 are allowable over the cited references based on their dependencies upon amended Claim 1 which claim was shown to be allowable above. In addition, Applicants submit that Claims 2-10 are independently patentable because they include limitations not taught or suggested by the cited references. Therefore, since Claims 2-10 introduce additional subject matter that, particularly when considered in the context of the recitations of amended Claim 1, constitutes patentable subject matter, Applicants respectfully submit that Claims 2-10 are in proper condition for allowance and request that Claims 2-10 may now be passed to allowance.

Independent Claim 11 has been amended to clarify the communication device communicates with a single contact using a first communication means via a first communication connection, stores the contact associated with a first and second communication

Application Serial No. 10/630,437
Amendment dated May 9, 2005
Reply to Office Action of February 23, 2005

CS201451US

means, and initiates a second communication connection to the second communication means when it detects the disconnection of the first communication connection. Applicants respectfully submit that Fujisawa (US2002/0059176) does not anticipate the method as recited in amended Claim 11 as previously described herein. Fujisawa (US2002/0059176) does not anticipate any of the recited Claims of sequentially initiating communication with a single contact using more than one communication means on more than one communication connections. As Claim 11 recites patentable subject matter, Applicants respectfully submit that Claim 11 is in proper condition for allowance and request that Claim 11 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of Claim 12 under 35 USC §102(b) as being anticipated by Fujisawa (US2002/0059176). Applicants submit that Claim 12 is allowable over the cited references based on its dependency upon amended Claim 11 which claim was shown to be allowable above. In addition, Applicants submit that Claim 12 is independently patentable because it includes limitations not taught or suggested by the cited references. Therefore, since Claim 12 introduces additional subject matter that, particularly when considered in the context of the recitations of amended Claim 11, constitutes patentable subject matter, Applicants respectfully submit that Claim 12 is in proper condition for allowance and request that Claim 12 may now be passed to allowance.

The other references of record have been reviewed, and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Application Serial No. 10/630,487
Amendment dated May 9, 2005
Reply to Office Action of February 23, 2005

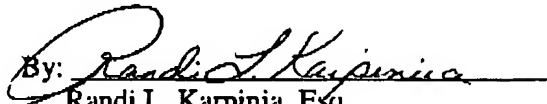
CS20145US

The Commissioner is hereby authorized to charge any necessary fee due to Deposit
Account No. 50-2117, Motorola, Inc., or credit any overpayment to the same account.

Respectfully submitted,

Motorola, Inc.
Law Department
8000 W. Sunrise Blvd
Plantation, FL 33322

Customer No.: 24273

By: 
Randi L. Karpinia, Esq.
Attorney of Record
Reg. No.: 46,148
Telephone: 954-723-6449
Fax No.: 954-723-3871
Email: Randi.Karpinia@motorola.com